

IN THE HIGH COURT OF JUDICATURE AT MUMBAI  
CIVIL APPELLATE JURISDICTION  
CIVIL REVISION APPLICATION NO.326 OF 2016

Dilip Narayan Rasal ... Applicant  
Vs.  
Laxmi Shantaram Rasal and others ... Respondents

Mr. Tejpal S. Ingale i/b. Mr. Kailash R. Tiwari for Applicant.  
Mr. R. A. Thorat, Senior Advocate a/w. Ms Aditi Naikare i/b. Mr. Kapil Shetye  
for Respondents.

**CORAM : R. G. KETKAR, J.**  
**DATE : JUNE 27, 2016**

**P.C. :**

Heard Mr. Ingale, learned Counsel for applicant and Mr. Thorat,  
learned Senior Counsel for respondents at length.

2. By this application under Section 115 of the Code of Civil Procedure, 1908 (for short 'C.P.C.'), applicant has challenged the judgment and decree dated 07.01.2012 passed by the learned Judge presiding over Court Room No.38 of the Court of Small Causes at Mumbai, Bandra in L.E.&C. Suit No.2/2 of 2009 as also the judgment and decree dated 24.02.2016 passed by the learned appellate Bench of the Court of Small Causes at Mumbai, Bandra in P.S.C.C. Appeal No.6 of 2012.

3. After arguing the Application for quite some time, Mr. Ingale, upon taking instructions from the applicant, who is present in the Court, states that applicant will not press this application, if reasonable time to vacate the suit premises is given. He has tendered photocopy of the applicant's identity card issued by the Election Commission of India. The same is taken on record and marked 'X' for identification.

4. Mr. Thorat submits that respondents are ready and willing to give time upto 31.12.2016 for vacating the suit premises subject to the applicant not pressing this application as also the applicant and all the adult family members residing with him in the suit premises giving usual undertaking. Mr. Ingale is agreeable for time to vacate upto 31.12.2016. Mr. Ingale submits that applicant has paid ex-gratia amount upto February 2016.

5. In view thereof, application is disposed of as not pressed in the following terms.

(i) Applicant and all the adult family members residing with him in the suit premises will file undertaking in this Court within two weeks from today, after giving advance copy to the other side, incorporating therein that,

- a. they are in actual possession and nobody else is in possession of the suit premises;
- b. they have so far not created third party interest and not parted with possession of the suit premises;
- c. they will hereafter neither create third party interest nor part with possession of the suit premises;

(ii) Applicant shall pay arrears of ex-gratia amount @ Rs.6,000/- per month from March 2016 to June 2016 to the respondents, on or before 15.07.2016.

(iii) Ex-gratia amount @ Rs.6,000/- will be paid to the respondents from July 2016 onwards till December 2016, on or before 10<sup>th</sup> day of each succeeding month.

6. List the Application for compliance after three weeks.

**(R. G. KETKAR, J.)**